

**TOWN OF BROOKFIELD
ZONING REGULATIONS**

Incentive Housing District - Section 242- 404 K *(effective 09/30/10, rev 3/12/13,
7/29/13)*

- (1) **PURPOSES:** The Incentive Housing District is an overlay zone that is superimposed over an underlying zoning district and whose purposes are as follows:
- (a) to promote the revitalization of the commercial districts of Brookfield by encouraging mixed-use development that will provide for a variety of housing and business opportunities;
 - (b) to promote the development of a transit-oriented, pedestrian-friendly town center area;
 - (c) to benefit from the financial incentives provided by Connecticut General Statute (CGS) Section 8-13 m., et sequitur;
 - (d) to foster housing opportunities for town employees and moderate-income residents;
 - (e) to comply with the recommendations of Brookfield's Plan of Conservation and Development.
- (2) **DEFINITIONS:** The definitions used throughout this regulation, which are consistent with CGS 8-13 m., are found in Appendix I, hereto.
- (3) **DESIGNATION OF OVERLAY DISTRICTS:**
- The Zoning Commission may designate appropriate areas of the town for overlay Incentive Housing Districts. Such districts shall conform to the following requirements:
- (a) Reasonable accessibility to and integration with rail, bus, vehicular and other transportation means.
 - (b) Capable of supporting a pedestrian-friendly streetscape and parking needs.
 - (c) Presence of retail commercial activities.
 - (d) Suitable for construction of public congregation areas and parks.
 - (e) Retention of historical attributes of the area.
- (4) **LOCATION:** The boundaries of Incentive Housing Districts (IHD) will be shown on the official Brookfield Zoning District Map and will be considered to be eligible for Incentive Housing Development. Additional areas, when reviewed and found qualified, may be added at a later date. *[rev eff 3/12/13]*
- (5) **APPLICATION PROCESS:**
- (a) The applicant shall submit to the Commission a narrative and data, which outlines and explains how the requirements of these Incentive Housing Regulations and Connecticut General Statute (CGS) 8-13 m. will be met.
 - (b) When compliance with CGS8-13 has been adequately demonstrated to the Commission and approved by it, the applicant shall then submit a Design Review Approval Application in accordance with Section 242-301C.

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(6) INCENTIVE HOUSING REQUIREMENTS: The following regulations shall govern the residential units in an Incentive Housing Development:

- (a) Twenty percent (20%) of all dwellings within a development shall be designated Incentive Housing Units.
- (b) Incentive Housing Units shall be rented or sold and occupied only by Eligible Households.
- (c) Each Incentive Housing Unit shall be subject to any Incentive Housing Restriction, which shall be recorded on the town land records. The Incentive Housing Restriction shall include, at a minimum, the following:
 - [1] A description of the Incentive Housing including whether the Incentive Housing Units, at the time of initial unit occupancy, will be rented or owner-occupied.
 - [2] An identification of the Incentive Housing Units.
 - [3] The name and address of the Incentive Housing Administrator.
 - [4] A requirement that only an Eligible Household may reside in an Incentive Housing Unit.
 - [5] The formula pursuant to which rent of a rental unit or the maximum sale or resale price of homeownership unit will be calculated.
 - [6] The term of Incentive Housing Restriction, which shall be minimum of ***thirty (30) years***, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.
 - [7] Provision for the monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission.
 - [8] Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a forms specified by the Commission, certifying compliance with this Section.

(7) PERMITTED USES: *(rev eff 3/12/13, 7/29/13)*

- (a) All Uses allowed in the underlying district are permitted in the Incentive Housing overlay District
- (b) In addition the following uses are also permitted: *[rev eff 3/12/13, 7/29/13]*

Central Core sub-zone:

- A mixture of residential, retail, restaurant, office uses and other uses as permitted in the underlying zone.
- No residential uses on the first floor may front on public roads.

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- Non-residential uses are encouraged to be on the floor(s) above the ground floor.
- No more than 80% of ground floor square footage may be devoted to residential uses.
- Residential uses may include townhouses, condominiums, apartments and single family dwellings

Perimeter sub-zone:

- Single Family Dwellings
- Town Houses
- Condominiums
- Apartments

- (8) **DESIGN AND TECHNICAL STANDARDS:** The following are in addition to those required in the underlying districts:
- (a) Access: Two (2) independent means of access shall be provided for a project. One shall be a “main access” and the second shall be an “emergency” or “secondary access”.
 - (b) Drives and Roads: Drives and roads which serve the project as a whole shall be at least sixteen (16) feet in width for single lane traffic and twenty six (26) feet for two-way traffic. Other internal drives, not serving the project as a whole or not designated as “fire lanes,” shall be at least twelve (12) feet in width for single lane traffic and twenty four (24) feet for two-way traffic.
 - (c) Fire Walls: Each project unit shall be separated from other adjacent units within the project by a one (1) hour firewall meeting State codes.
 - (d) Structure Separation: Multi-family, town houses and single family dwellings shall be separated by a minimum of twenty (20) feet to allow for fire equipment access and emergency egress maneuvers.
 - (e) Water and Sewage: All projects shall be served by municipal sewer facilities and a public water supply.
 - (f) Acoustics: Each dwelling unit shall be acoustically buffered in such a manner that sound pressure levels transmitted into adjacent units do not exceed fifty (50) decibels on the A scale using a certified sound pressure meter.
 - (g) Utilities: All project utilities shall be located underground.
 - (h) Buffer Strips: All residential projects shall be separated from one another by a twenty-five foot (25’) landscaped buffer approved by the Commission.
 - (i) Basements: Basements may not be used as living quarters unless they have access at-grade and windows above ground level.
 - (j) Common Areas – Courtyards: Dwelling projects in excess of twelve (12) units shall make provision for incorporation of common landscaped areas or courtyards.
 - (k) Building Set-Backs: All structures shall be set back a minimum of twenty-five feet (25’) from the curb line of all drives and roads. This consists of twenty feet (20’) in which to park a car in the front of an apartment or building and a

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minimum of five feet (5') for sidewalks. If sidewalks are not located on a particular side of a drive, then the setback may be reduced to twenty feet (20').

- (l) Sidewalks: Sidewalks are required along the curb line of at least one (1) side of all roads and drives.

- (m) Entranceways: Separate and distinct entranceway shall be provided for first and upper story uses in mixed commercial and residential buildings. (rev 4/14/11)

(9) DENSITY REQUIREMENTS: *(rev. 12/7/12)*

- (a) General: Density shall be calculated on the basis of the land's ability to support the proposed development. The area to be used in the calculation of density is exclusive of watercourses, roads, drives and rights-of-way.

- (b) Density requirements are as follows:

[1] Mixed-Use Development at a minimum of six (6) and a maximum of twenty-four (24) dwellings units per acre.

[2] Multi-family Development at a minimum of twenty (20) and not more than twenty-four (24) units per acre.

[3] Town Houses and at a minimum of ten (10) and a maximum of twenty (20) dwellings units per acre.

[4] Single Family Houses at a minimum of six (6) and a maximum of twelve (12) dwellings units per acre.

- (c) Dwelling units located in an Incentive Housing project shall be excluded from the 26% cap under §242-404(D)(2)[d] of these regulations *(added eff. 12/7/12)*

(rev 4/14/11 deleted 10. Restrictions...renumbered)

(10) LAND USE STANDARDS: Standards for the district are as set forth in Section 242-505 E. and F.

(11) ARCHITECTURAL GUIDELINES:

- (a) General: All development within the district shall conform to the Architectural Guidelines set forth in section 242-602 I.

- (b) Facades:

[1] Buildings more than sixty feet (60') in length shall be off set into a series of small elements or "bays" to evoke the rhythm of historic shop fronts and to add visual character of the streetscape. They shall incorporate:

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- [a] Wall plane projections of two feet (2'), which extend at least twenty percent of the length of the façade.
 - [b] Façade design shall incorporate distinction between the ground level floor and upper stories.
 - [c] Blank walls of more than twenty feet (20') along the horizontal plane of the façade are prohibited.
- (12) **PARKING:** Parking requirement are established in Section 242-305 except as modified hereinafter:
 - (a) **Dimensions:** Parking spaces shall be a minimum of 9' wide by 20' long for 90 degree parking, 10.5 wide by 20' long for 60 degree parking, and 9' wide by 20' long for parallel parking.
 - (b) **Parking Garages:** Whenever feasible, garages shall be located underground to minimize visibility from public streets and suitably screened by plantings approved by the Commission.
 - (c) **Street-side Parking:** Overnight street-side parking is prohibited except in specified areas.
- (13) **SIGN, STREETSCAPES, LANDSCAPING AND LIGHTING:** These requirements shall be in accordance with the requirements of the underlying zoning district.
- (14) **MAINTENANCE:** All common facilities, equipment, structures, drives, common parking areas and the like shall be maintained by the owner or resident's association in perpetuity. Such items shall include: water and sewage systems, utilities, roads, drives, common parking areas, drainage systems, recreation and common areas, landscaping and the like.
- (15) **OCCUPANCY REGULATIONS:** Copies of all project regulations and declarations of unit ownership shall be submitted to the Commission for approval. They shall set forth all definitions, articles, rules, by-laws and enforcement procedures pertaining to:
 - (a) Seller's and Owner's responsibilities
 - (b) Maintenance and funding responsibilities
 - (c) Tenant Responsibilities
 - (d) Occupant/tenant restrictions including fire prevention methods
 - (e) Maximum fines
 - (f) Termination provisions
 - (g) Other items affecting the project as a whole which may be deemed necessary and appropriate by the Owner/Tenant Organization

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(16) MODIFICATIONS TO STANDARDS: *[rev eff 3/12/13]*

In accordance with CGS 8-13 n (7) c., the Commission may modify, waive, or delete dimensional standards contained in the zone or zones that underlie an Incentive Housing zone in order to support the minimum or desired densities, mix

of uses or physical compatibility in the Incentive Housing zone where, in the sole determination of the Commission, unique characteristics of the parcel/structure exist. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios, mixture of ground floor uses and road design standards.

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APPENDIX I.
DEFINITIONS – INCENTIVE HOUSING REGULATIONS

- (1) **Approved Incentive Housing Zone: means on “overlay zone” that has been adopted by the Zoning Commission in furtherance of CGS 8-13 q.**
- (2) **Building Permit Payment:** means one-time payment, pursuant to CGS 13 s. for each qualified housing unit within an Incentive Housing project for which the Town has issued a building permit.
- (3) **Developable land:** means the area within the boundaries of an approved incentive housing zone that feasibly can be developed for residential or mixed-use consistent with the provisions of these regulations and CGS 8-13 to 8-13 x., inclusive, not including: (A) Land already committed to public use or purpose, whether publicly or privately owned; (B) existing parks, recreational areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetland or watercourses as defined in Connecticut General Statutes (CGS) Chapter 440; and (E) areas exceeding one-half or more acres of contiguous land that is unsuitable for development due to topographic features, such as steep slopes.
- (4) **Duplex:** Means a residential building containing two units.
- (5) **Eligible location:** means: (A) An area near a transit station, including rapid transit, bus terminal or ferry terminal; (B) an area of concentrated development such as a commercial center; existing residential or commercial district, or a village district pursuant to CGS 8-2 j.; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable to development as an Incentive Housing zone.
- (6) **Historic District:** means an historic district established pursuant to CGS 440
- (7) **Incentive Housing Development:** means a residential or mixed-use development (A) that is proposed or located within an approved Incentive Housing zone; (B) that is eligible for financial incentive payment asset forth in this section and CGS 8-13 n to 8-13x, inclusive and (C) in which not less than 20 percent of the dwelling units will be conveyed subject to an Incentive Housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, below, prices which will preserve the units as housing for person pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent or less of the median income.
- (8) **Incentive Housing Restriction:** means a deed restriction, covenant, zoning regulation, site plan condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rental, and housing cost required by this section.
- (9) **Incentive Housing Unit:** means a dwelling unit within an Incentive Housing Project that is subject to Incentive Housing restrictions.
- (10) **Mixed-Use Development:** means a development containing a combination of residential and retail, restaurant and office use.

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- (11) **Public Transportation:** A use or structure that facilitates the transportation of the general public, including, but not limited to bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.